

§ 225.12 Rail Equipment Accident/Incident Reports alleging employee human factor as cause; Employee Human Factor Attachment; notice to employee; employee supplement.

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(3) * * * If an employee wishes to provide confidential information to FRA, the employee should not use the Supplement form (part II of Form FRA F 6180.78), but rather provide such confidential information by other means, such as a letter to the employee's collective bargaining representative, if any, or to the Federal Railroad Administration, Office of Safety, Office of Safety Enforcement, RRS-13 400 Seventh St. SW., Washington, DC 20590. * * *

(h) * * *

(1) Under sections 3(a) and 15 or the Rail Safety Improvement Act of 1988, any person who willfully files a false Supplement with FRA is subject to a civil penalty. See appendix B to this part.

(2) Any person who knowingly and willfully files a false Supplement is subject to a \$5,000 fine, or up to two years' imprisonment, or both, under the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(e)).

§ 225.13 Late reports.

Whenever a railroad discovers that a report of an accident/incident, through mistake or otherwise, has been improperly omitted from or improperly reported on its regular monthly accident/incident report, a report covering this accident/incident together with a letter of explanation must be submitted immediately. Whenever a railroad receives a partially or fully completed Employee Statement Supplementing Railroad Accident Report (part II of Form FRA F 6180.78), in response to a Notice to Railroad Employee (part I of Form FRA F 6180.78) issued by the railroad and mailed or hand delivered to the employee, the railroad must promptly review that Supplement; based on that review, reassess the accuracy and validity of the railroad's Rail Equipment Accident/Incident Report and of any other reports and records required by this part concerning the same accident, including the Employee Human Factor Attachment; make all justified revisions to each of those reports and records; submit any amended reports to FRA; and submit a

copy of any amended Rail Equipment Accident/Incident Report, Employee Human Factor Attachment, and Highway-Rail Grade Crossing Accident/Incident Report on the accident to the employee. A second notice under § 225.12 is not required for the employee. If an employee who was never sent a notice under § 225.12 for that accident is implicated in the revised Employee Human Factor Attachment, the railroad must follow the procedures of § 225.12(d).

[39 FR 43224, Dec. 11, 1974, as amended at 55 FR 37828, Sept. 13, 1990; 61 FR 30973, June 18, 1996]

EFFECTIVE DATE NOTE: At 61 FR 30973, June 18, 1996, § 225.13 was amended by removing the word "Rail-Highway" and adding in its place the word "Highway-Rail", effective Jan. 1, 1997.

§ 225.15 Accidents/incidents not to be reported.

A railroad need not report:

(a) Casualties which occur at highway-rail grade crossings that do not involve the presence or operation of on-track equipment, or the presence of railroad employees then engaged in the operation of a railroad;

(b) Casualties in or about living quarters not arising from the operation of a railroad;

(c) Suicides as determined by a coroner or other public authority; or

(d) Attempted suicides.

[39 FR 43224, Dec. 11, 1974, as amended at 61 FR 30973, June 18, 1996]

EFFECTIVE DATE NOTE: At 61 FR 30973, June 18, 1996, in § 225.15, paragraph (a) was amended by removing the word "rail-highway" and adding in its place the word "highway-rail", effective Jan. 1, 1997.

§ 225.17 Doubtful cases; alcohol or drug involvement.

(a) The reporting officer of a railroad will ordinarily determine the reportability or nonreportability of an accident/incident after examining all evidence available. The FRA, however, cannot delegate authority to decide matters of judgment when facts are in dispute. In all such cases the decision shall be that of the FRA.

(b) Even though there may be no witness to an accident/incident, if there is evidence indicating that a reportable accident/incident may have occurred, a